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Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 05-01-15

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE,
A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE,
HAMILTON COUNTY, INDIANA**

This is an Ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") conducted a public hearing on docket number 001557 (the "Petition") at its January 20, 2015, meeting as required by law in regard to the application filed by Gradison Building Corp. (the "Developer") for a request in change of zoning; and

WHEREAS, the Plan Commission sent a favorable recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana, by a vote of ten (10) in favor and zero (0) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that this ordinance (this "Ordinance") is hereby adopted as an amendment to the UDO and the Official City of Noblesville Zoning Map (the "Zoning Map") to establish this Planned Development Overlay District (the "District") to read as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Map is hereby changed to designate the subject real estate described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as the **Holston Hills Planned Development** (the "District").
- 1.2 The District's underlying zoning district shall be the **R-2 Residential District** (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the UDO in effect as of the date of adoption of this Ordinance and applicable to the Underlying District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance (collectively, the "Governing Standards").

- 1.3 All provisions and representations of the UDO that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions.

- 2.1 The general rules of construction set forth in Article 2 of the UDO and the definitions set forth in this Ordinance shall apply to the regulations of this Ordinance. Words not defined herein but defined in the UDO shall be interpreted in accordance with the UDO definition.
- 2.2 Approved Elevations: The set of home elevations on file with the City of Noblesville's Planning and Development Department dated December 1, 2015, as reviewed and approved by the City's Architectural Review Board at its December 18, 2014, meeting. The exhibit attached hereto as **Exhibit C** is a sampling and general representation of those approved elevations (collectively, the "Approved Elevations").
- 2.3 Preliminary Development Plan: The oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department dated December 1, 2014. The exhibit attached hereto as **Exhibit B** is a general representation of the oversized plans (collectively, the "Preliminary Development Plan").

Section 3. Permitted Uses.

- 3.1 The following uses shall be permitted within the District:
 - A. All uses permitted in the Underlying District; and
 - B. Accessory Uses and Accessory Buildings customarily incidental to any of the permitted uses.

Section 4. Preliminary Development Plan.

- 4.1 The Preliminary Development Plan is hereby incorporated and approved. Pursuant to Article 8 of the UDO, the Preliminary Development Plan is intended to establish the basic goals and policies, bulk standards, variations/waivers from the Underlying District and layout of the District.

Section 5. Bulk Standards. The bulk requirements applicable to the Underlying District shall apply, except as noted below:

- 5.1 The Minimum Lot Area per Dwelling Unit shall be 6,500 square feet.
- 5.2 The Minimum Lot Width shall be fifty-three (53) feet.
- 5.3 The Minimum Front Yard Setback shall be twenty-five (25) feet.
- 5.4 The Minimum Side Yard Setback shall be five (5) feet.
- 5.5 The Minimum Floor Area per dwelling unit shall be 1,700 square feet.

Section 6. **Architectural Standards.** The following standards shall apply.

- 6.1 The Approved Elevations are hereby incorporated and approved. All homes shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his designees, shall review and approve home elevations at the time of filing of the Detailed Development Plan and/or Building Permit for compliance.
- 6.2 If a home(s) is proposed that substantially varies from an Approved Elevation, then the proposed home elevation(s) shall be submitted for review and approval by the Architectural Review Board. The Architectural Review Board's review of the home elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of the District and the Approved Elevations.

Section 7. **Parking and Loading Standards.** The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply, except as modified below:

- 7.1 Article 10, Section 4.C.2.d shall be modified to provide that a residential driveway on a property fronting more than one public street shall not be located within fifty (50) feet of an intersection.

Section 8. **Sign Standards.** The District's signs shall comply with Article 11 of the UDO.

Section 9. **Landscaping and Open Space Standards.** The standards of Article 12, Landscaping and Screening, of the UDO shall apply, except as noted below.

- 9.1 **Landscape Buffer Yards.** The Establishment of a Peripheral Yard, as set forth in Article 8, Part H, Section 3.F.2 of the UDO, shall not apply to the Real Estate, and instead the peripheral landscape buffer yard shall be as generally shown on the Concept Plan.

Section 10. **Lighting Standards.** The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply.

Section 11. **Empty-Nester Standards.** All Dwellings shall comply with the following empty-nester standards:

- 11.1 All Dwellings shall have main floor master bedrooms.
- 11.2 All Dwellings shall have nine (9) foot or cathedral ceilings in the primary living areas.
- 11.3 All Dwellings shall be one (1) or one and one half (1½) story units. No two story units shall be permitted. One and one half (1½) shall be defined as the second story livable area being no greater than eighty percent (80%) of the first story livable area.
- 11.4 The homeowners' covenants shall include provisions that prohibit sandboxes, jungle gyms, trampolines, and mini storage barns.

Section 12. **Infrastructure Standards.** All public infrastructure within the District shall adhere to the City's standards and design criteria, unless otherwise stated within this Ordinance or unless specific waivers have been approved by the City.

Section 13. **Detailed Development Plan.** Approval of a Detailed Development Plan (“DDP”) shall follow the procedures set out in Article 8 of the UDO, subject to the following clarification: (i) the Director of Planning and Zoning shall approve Minor Changes; and (ii) if a DDP includes a Major Change from the approved Preliminary Development Plan, then prior to approval of the DDP, an amended Preliminary Development Plan shall be approved in accordance with Article 8, Part H, Section 3, of the UDO. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

Section 14. **Additional Standards.** The following standards shall apply.



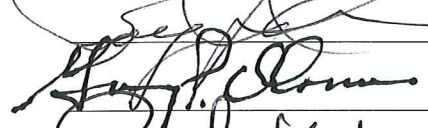
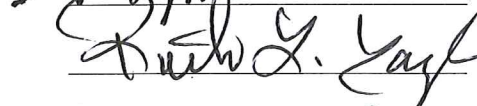
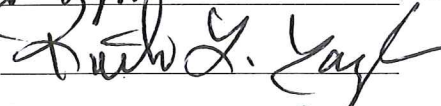

- 14.1 All fences in the District shall have a decorative wrought-iron style.
- 14.2 All mailboxes in the District shall have a uniform design.
- 14.3 All Model Homes in the District shall have a minimum floor area of 2,100 square feet.
- 14.4 All homes in the District shall have basements.

Section 15. Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 10th day of February, 2015.

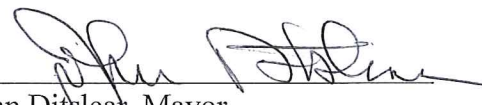
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

	Brian Ayer	
	Mark Boice	
	Roy Johnson	
	Gregory P. O'Conner	
	Rick L. Taylor	
	Stephen C. Wood	
	Jeff Zeckel	

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 10th day of February, 2015.


John Ditslear, Mayor
City of Noblesville, IN

ATTEST:


Janet S. Jaros, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney-At-Law, Faegre Baker Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46032 | (317) 569-9600

EXHIBIT A
REAL ESTATE

The north half of the Southwest Quarter of Section 16, Township 18 North, Range 4 East of the Second Principal Meridian, except therefrom all that part of the above said tract which lies south of the Union Traction Company right-of-way, containing 1/5 of an acre, and leaving after the above said exception, 79.80 acres, more or less.

EXCEPT: Twenty (20) acres heretofore conveyed by the Grantors to The Bush Company, Inc., the boundary lines of which are described as follows: Beginning at the Northwest corner of said above described real estate and then proceeding due South along the West boundary thereof 660 feet to a point along the West boundary thereof, then proceeding due East 1320 feet to a point, then proceeding due North 660 feet to a point on the Northern boundary of said above described real estate, then proceeding due West 1320 feet along the Northern boundary of said above described real estate to the point of beginning so as to encompass twenty (20) acres.

EXCEPT: a strip of land 45 feet in width off the West side of the remainder of said first described real estate which was heretofore dedicated by Grantors to the public (State of Indiana) for right of way purposes.

EXCEPT: Part of the North Half of the Southwest Quarter of Section 16, Township 18 North, Range 4 East of the Second Principal Meridian in Noblesville Township, Hamilton County, Indiana, described as follows: Beginning at a point on the South line of the North Half of the Southwest Quarter of said Section 16, Township 18 North, Range 4 East at a point 570 feet West of the Southeast corner thereof, thence North 3 degrees East 285 feet to a point, thence West and parallel to the South line of said North Half of the Southwest Quarter 230 feet to a point, thence South 01 degrees 59 minutes 40 seconds West 284.76 feet to a point in said South line, thence East in and along said South line 225 feet to the place of beginning, containing in all 1.48 acres, more or less.

ALSO EXCEPT: A twenty-five foot wide easement for ingress and egress to the above described property, more particularly described as follows: Part of the North Half of the Southwest Quarter of Section 16, Township 18 North, Range 4 East, described as follows: Beginning at the Southwest corner of said North Half of the Southwest Quarter, said point being also in the center line of Gray Road as now located; thence East in and along the South line of said North Half of the Southwest Quarter 1845 feet, more or less to a point on the West line of the subject property; thence North 87 degrees 00 minutes 04 seconds East along the West line of the subject property 25 feet to a point; thence West parallel to said South line 1845 feet to a point in the West line of said Section 16; thence South in and along said West line 25 feet to the place of beginning. Containing in all 1.09 acres, more or less.

EXCEPT: Part of the North Half of the Southwest Quarter of Section 16, Township 18 North, Range 4 East of the Second Principal Meridian in Noblesville Township, Hamilton County, Indiana, described as follows: Beginning at a point on the West line of said Southwest Quarter Section 436 feet North of the Southwest corner thereof; thence continuing North in and along said West line 224 feet, more or less, to a point on the boundary line of the Thurston property and property currently owned by The Bush Company; thence East and parallel to the South line of said Southwest Quarter Section and in and along said boundary line a distance of 529 feet to a point; thence South and parallel to said West line 224.0 feet to a point; thence West parallel to said South line of said Southwest Quarter 529 feet to a point in said West line and the place of beginning. Containing in all 2.72 acres, more or less.

EXHIBIT B
PRELIMINARY DEVELOPMENT PLAN



EXHIBIT C
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹



¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated December 1, 2015, as reviewed and approved by the City's Architectural Review Board at its December 18, 2015, meeting.